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Constitutional Sheriffs

(with Jessica Pishko)



The Final Straw Radio
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JP: Oh, yeah, absolutely. So my sub stack is sheriffs.substack.com It's pretty easy to remember. I try to put a lot of writings about sheriff's on there. But sometimes I don't have time. So sometimes I don't post as much as I should. I try to post on social media, I'm @JessPish on all the platforms. So pretty easy to find.

There are a lot of groups doing a lot of great work around constitutional sheriffs. Two of the ones I recommend. One is the Southern Poverty Law Center. So on their website, the Southern Poverty Law Center has a lot of articles about constitutional sheriffs and keeps up to date with like what constitutional sheriffs are doing. The other one is a group, their website is irehr.org. It's the Institute for Research and Education on Human Rights. They also do quite a lot of work tracking constitutional sheriffs. Both of those organizations have done a lot of letter writing campaigns and more work to spread information about those. So I think those are two really good resources.

TFSR: Awesome and super helpful. Yeah, thanks a lot again, for having this conversation and for all the work that you're doing.

that that's a pressure point people could use this to point out that he is using these and opportunistically leeching on to Cherokee County and the county surrounding it and trying to recruit the sheriff's because he is getting Bad Press that he's worried about his organization.

Some people I think are confused about what he teaches, or maybe not sure. One of the things about sheriffs, especially more rural sheriff's is that they have a quasi legitimate gripe, which is that they don't get a lot of training. They don't have a lot of opportunities to network and train and they often see these Richard Mack trainings as a chance to get together with like-minded people. They sort of see it as a social club as much as it is a training. I think that the more you could point out that this is not a training, this is like a recruitment revival. This is a tactic that he has tried, this is an old tactic too. This is an anti-communist Silver Shirts, Posse Comitatus tactic that folks have been using for 100 years to gather people in these little organizations and try to persuade them that these bad ideas are not so bad. I feel like that's what Richard Mack's general pitch is: "These are bad ideas that people say they're bad, but they're not that bad!" I think the more that folks point that out, that's like a real pressure point.

Nowadays, more people are aware of Stewart Rhodes and the Oathkeepers, there's more of an awareness of how dangerous the far right is. I do think always pointing out that when people invite Richard Mack to come, what they are doing is sending a message to the people in their community that is something like, "I don't have that much respect for you. I would like to invite this organization that is well known for touting these ideas that are anti government that don't benefit people." These are not ideas that help anybody. Maybe they're doing it because the people in their community think will be popular. But is that what the people in the community really think? One loud person wants the CSPOA there, but so people really want that? And then do they want their county to be a hub of organizing by sheriffs who just want to promote excessive violence and fear and anxiety about immigrants, about people of color, about voting. This idea that the sheriff thinks his position means he can turn that county into whatever he wants, and it's pretty anti-democratic.

TF SR: Well, thank you so much for this, Jessica. How can people find your writing? I know you've written in a number of different online journals and newspapers about this topic and related topics. But could you tell people where your substack is and and point them to other resources that would be helpful in keeping them informed on this?

This week, you'll hear an interview we conducted with researcher and journalist Jessica Pishko about the upcoming, September 9th Constitutional Sheriff & Peace Officers Association gathering in Cherokee, North Carolina. For the hour, Jessica talks about the office of Sheriff in the US, the CSPOA and Constitutional Sheriff movement, their ties to militia or other far-right wing and white nationalist formations and related topics. You can find Jessica's blog at [Sheriffs.SubStack.Com](https://sheriffs.substack.com).

Search for this interview title at <https://thefinalstrawradio.noblogs.org/> to find links to further resources on this topic, featured music, the audio version, and files for printing copies of this episode.

JP: My name is Jessica Pishko. I use she/her pronouns. I am a lawyer and a writer and I have been researching and writing about sheriffs for about the past decade.

TFSR: Okay. Thank you for being here. I appreciate the the time and the energy that you put into this topic. So, coming up on September 9th 2023, there's an event being organized by a group calling itself 'Constitutional Sheriffs and Peace Officers Association, which is going to be occurring in Cherokee, North Carolina, in western North Carolina near the Tennessee border.

Would you briefly speak a little bit about this group, CSPOA, that you've been researching and keeping an eye on?

JP: Yeah, absolutely. So the group calls themselves the Constitutional Sheriffs of Peace Officers Association, the CSPOA for short. They are the largest organization of a group of sheriffs and other like minded followers and deputies that call themselves the "Constitutional Sheriffs Movement." So the CSPOA while it is the biggest player in this constitutional Sheriff area, they're not the only one. The CSPOA was started by an ex-Sheriff from Arizona named Richard Mack. The CSPOA is pretty much his brainchild. 2009 is when he first started the organization. So very shortly after the election of Barack Obama, not coincidentally, and just before the Oathkeepers formed. They are sort of from the same stew when they both formed, which we could talk more about later.

The CSPOA's general reason to exist is that they view themselves as a training and information disseminating platform. They are not registered as a nonprofit, you can donate money to them (but those donations would not be tax deductible), they appear to largely function as a sort of information hub. They provide information and then they disseminate that information to their followers, largely by means of these trainings.

These live trainings are sort of their primary project, so they go from place to place to place and have these kind of almost like a tent revival, or sometimes I call it like a medicine show. So they go from place to place and Richard Mack and his other allies will present this information to other sheriffs as a way of gaining momentum and gaining more members. They don't really participate in things like litigation. They are not even that social media savvy. They don't do that with social media. It's really very reliant on these face to face meetings. And I can go into what they teach.

TFSR: Yeah, I'm definitely I'm definitely curious about what they're

TFSR: So at this point, North Carolina doesn't appear to give that sort of educational credit to CSPOA classes. That's one point for those of us here to be paying attention to that possibility coming up. But I wonder with this event coming up in Cherokee: what are some good ways for community organizing around the issue of constitutional sheriffs, the arguments that they make, and the sort of people that they rally around them?

JP: I think that this is a situation in which public awareness goes along with. As an example, a positive example, in Illinois, Mack tried to organize an event that he thought would be really huge. Illinois had passed an unlimited assault weapons ban and a group of sheriffs opposed it and Mack said he was gonna do a training and get all these guys together and do a rally. Honestly, there were representatives, they were people in Congress, there were people on the county level, and people on the state level, even a few people at the federal level, who just made a big deal about how bad it was and how they do not want their sheriff to participate. "You should not be participating in this. This is extremist behavior, etc, etc." And the event flopped. I think, to some extent the blunt shame and blame.

Is the sheriff at Cherokee County aware? He might be aware? Sometimes Sheriff says, "I don't know!" They're just like, "Oh, I don't know what Richard Mack says," or, "I don't know what Dixie means," and pretend they don't understand. To some extent, embarrassing them over hanging out with anti federal extremist type figures appears to be a pretty decent strategy. I think that at the root of it, a lot of people don't want to get in trouble.

If you appeal to their sense of self preservation, I will have to say that I have a lot of respect for folks in the House of Representatives and the Senate, who will actually stand up and say that they think this is not good. There are few and far between, but if you can get folks to actually articulate the fact that this is not acceptable. It's very hard for people in the Republican Party to do that, because they will alienate folks. I know that many people in the Republican Party are perfectly aware of these groups, and they're aware of what they stand for and they decide to say nothing. I think pressuring people, it's a big deal. Sheriffs don't like being embarrassed. Most sheriffs don't want to be in the news ever.

Right now, Richard Mack is kind of riding high. There was a series of articles about him done by an Arizona publication and he was invited to Fox News for this. So he got to his public service announcement on Fox News. So he's kind of riding high off of this coming into this Cherokee event. When he gets press, he will generate it into positive press. I also think

automated and there's not a whole lot that any individual can do. It's a little varied sometime, but that's just sort of a symbol of how the "crimmigration system" is thoroughly integrated into society.

1) There is no law that says that local law enforcement has to cooperate with ICE. 2) It's because this is an instance in which immigration enforcement grew and became much more invested in incarceration and arrest than it once was. It was just not a system that was this reliant upon the criminal legal system and this process of incarcerating and arresting so many people. And 3) honestly, the whole constitutional Sheriff thing is all about resisting federal power for the benefit of white supremacy and I just don't think that applies when it comes to this. I just don't think that philosophically applies when it comes to immigration. To be clear, Richard Mack has never said that he thinks sheriffs should not cooperate with border patrol or ICE, and he is extremely anti immigrant. That's one of those places where his anti federalism fails a little. You'll also see lately a lot of states like Texas have been saying that there's a state right to enforce immigration law, which there isn't, but that's what they're saying. Anyway.

So, I think that that's been a really good electoral strategy and I think that the immigrant rights movement has been correct to sort of target that as a place. I think what's hard about it is it's kind of hard just because immigration is so wrapped up in so much criminalization and incarceration and really the best way for everyone is to simply reduce incarceration and reduce the power of sheriffs. What I haven't seen is any Sheriff running on, "I want less power." Which I would accept. I haven't seen anyone say it. "I would like less power, and I want to incarcerate fewer people, and I want a smaller jail, and I want to do less!"

Truly, the way to reduce deportations for folks who are worried about deportation is to honestly involve the cops less, because that's how people get entered into the system. And it truly is terrifying because there's this amount of randomness to it. Whether or not you get flagged and whether or not ICE decides that you're worth their time. ICE gets a ping and it doesn't follow up on all of it. Some of it depends on the priorities set by the President and some of it is they just like don't have enough time. In a way I think that randomness makes it more terrifying for people, because you really don't know. There's all sorts of cases of like mistakes being made and people get lost in the system. It's truly horrific.

I would love for it to be disentangled more, but I think the the root of the issue is that we need just that much less reliance on arrest and incarceration, that just funnels so many people into so many systems.

teaching. Well, first up, because there there's such a focus on sheriffs in particular, and they hold a specific position in American right wing ideology, as well as literal political positioning and law enforcement in the United States, I wonder if you could talk a little bit about the water in which they're treading. What is the difference between sheriffs and police in the United States? Maybe talk a little bit about some of the older history of that sort of office, and how they developed in the US context?

JP: Sure. It's actually pretty interesting. So to compare it to police, which I think people have generally pretty good context for. As for 'City Police'... I think enough has gotten out there on popular media that people are more aware that what we now call the police started from slave patrols in the US and that these sort of developed into what we would now call like the 'City Police.' So you would have the Asheville City Police or the Charlotte City Police or the NYPD. Those are your police. Police are set up by a city and their leaders, or police chiefs, are administrative leaders chosen by the leadership of the city.

I sometimes say that police chiefs are kind of more like CEOs. They're appointed to run a department. They go from place to place. Your police chief might be someone who used to live in Oakland or St. Louis. They move around. That's kind of the position that police are in at this point, for a few different reasons, but that's one of the reasons that they see themselves as the sort of professionalized organization.

Sheriff's on the other hand didn't really come from that same background. Not that that makes them any less involved in racism or white supremacy, but just rather that they came from a different place. Now, what's interesting about Sheriffs is that they're very invested in their history. So if you read history, most people will hear something like they came from the Shire-reeve, which is this sort of quasi-medieval England thing. England was divided into Shires and each one had a Reeve. This is sort of like the Sheriff of Nottingham type stuff. The Sheriff of Nottingham collected taxes for the king and that's why everybody hated him so much. England did have Shire-reeve but it's not clear to me how much connection they have to modern day Sheriffs.

When the colonies formed, many of them imported a similar figure that they began to call a Sheriff. The sheriff was not an elected figure initially, it was an appointed figure and most of what he did was collect taxes. Sometimes he (I'm using 'he' because they were obviously all men in that time. I just want to be clear. They don't have to be men, but they were mostly men.

So I often use 'he' as the default pronoun) would go from house to house and collect taxes, and collect ballots. The way people voted was not how we vote today, often the Sheriff would be responsible for going from house to house to get people's votes. So it's sort of a weird administrative position that didn't have that much to do with law enforcement.

In the 1800s, there was a burst of a desire for more democracy. This is what some people call the Jacksonian Democracy movement, which is sort of based on then-President Andrew Jackson's idea that the common man (I'm using 'man' intentionally here) needed more representation in their local government and around that time, the sheriff became an elected position. Same as many other local positions. So for example, a lot of places elect judges, you elect your county prosecutor, you elect your county government. So all these positions became elected, and the sheriff is one of them.

Around the same time that the sheriff as an elected position became something closer to law enforcement, which became particularly important after the Civil War. Especially in the South where land was organized by plantations and most plantation owners regulated what we might call 'disorder' or 'crimes' as they wished. This is a time where if you were on a land, the plantation owner would discipline their enslaved people as they wanted to, as they saw fit. After the Civil War, sheriffs became more involved in law enforcement as county elected officials, largely because slavery as an official regime no longer existed, Sheriff's largely stepped into this role.

At the same time, we saw a lot of expansion of the United States into the West, and sheriff's began to play a larger role as a sort of quasi-military, quasi-law enforcement, quasi-administrative entity that was important in the West and was sort of responsible for, I would say something like, ensuring that the kind of Anglo 'way of government' was being properly spread. We were going into these regions that were populated with Native Americans, a lot of the territories in the southwestern United States, they were populated by people who were Mexican. So you had these sheriffs who were these Anglo figures going in and importing a system there that would start to anglicize or 'Americanize' regulations and systems and push white supremacy and then push other people out.

TF SR: When I think of, at least, Hollywood representations of that period of time, the role of the sheriff is usually this very literal 'thin blue line' between robbers or marauders of whatever stripe, or foreign agents or whatever, and the peace of the white settler. In the US Anglo imaginary, it's this big cathartic part of that imaginary of safekeeping of the future of this society in this culture. They're giv-

from the INS to ICE for immigration enforcement, to persuade sheriff's to refuse participation in the deputization of local authorities, local law enforcement, into immigration enforcement on behalf of the federal government.

Basically making the argument that in a lot of cases, a) we're not budgeted for this, and b) this actually breaks down whatever trust does exist. If somebody might want to report a domestic abuse situation, but they're afraid of getting deported, or even that the person perpetrating it against them, might get deported, if not both parties, they're less likely to participate. Law enforcement does require some level of participation from the civilians in their area, no matter what their legal immigration status is.

So a lot of law enforcement have argued against participating in the deputization of their forces on behalf of these immigration laws. But I wonder how that jives with the concerns around constitutional sheriffs and the arguments that they're making. If you could just kind of play with that a little bit?

JP: Yeah, and I agree with you. It is good to point out especially in North Carolina. There was a great success in motivating communities to vote for sheriffs who agreed not to partner with ICE. It was a great strategy in North Carolina and worked pretty well. I think it particularly worked well, because the Trump administration was so cruel to immigrants, that people were I think more aware and alert to that concern, and so it sort of inspired more political action...

TF SR: Oh, but I moved here during Obama's administration, and they were they were successful during that time to just cut in.

JP: I do agree, this has been the most successful election strategy, has been the immigration one, especially in North Carolina, which was the birthplace of partnering with ICE. There's a lot of news that will do the "both sides" and be like, "Some if these sheriffs don't cooperate with ICE, and that's a constitutional sheriff." I disagree with that and the reason being that... In the first place, the immigration system is really complex and to be honest, it's pretty hard for law enforcement, not in some way to have some sort of communication with immigration services at this point. Under Obama, he created the Secure Communities system, which basically means that every time someone gets booked into jail, ICE is alerted if that person pops up on ICE. Now, that person could pop up for a variety of reasons. Some of this is

Because sheriffs are elected they're often considered on equal footing with other elected officials. In the official county hierarchy, county managers, or your county prosecutor will say, "Well, I can't tell the sheriff what to do, because we are on the same level." So, it's like they're equal to the other elected officials and can't tell them what to do. That's a structural problem, because it's an elected office.

Now the biggest problem with Sheriff elections... Some people have really pushed Sheriff elections as a way to hold them accountable. Sheriff elections are really difficult because honestly, most incumbents win. I think it's like a 70-80% likelihood that incumbents will win. And the way counties are often structured, they're structured in a way such that the votes of rural areas will often dominate. So you have this situation in which the sheriff is being elected not by the people who are being policed by that sheriff. Plus, not everyone could vote, and there's all sorts of problems with who can vote. If you're in jail, and you are eligible to vote, you can only vote if the sheriff lets you, basically. So that's another thing. Folks in jail don't always get access to the ballot.

One of the things, though, that people can do, is they can always demand accountability. People want to look for official mechanism, they'll look for something like a recall, which the laws on recall vary quite a lot or they'll look for other methods like prosecution. The problem is most Sheriff behavior is maybe doesn't rise to the level of crime, but people can demand more than that their Sheriff doesn't commit crimes. People have the right to demand accountability. I think pressure from the community about what they want, and what do people want to see from their law enforcement, and how do people want them to behave? I do think that that kind of pressure does a lot.

The other thing to bear in mind is that most sheriff's budgets are approved by the county commission. So another pressure point is often the pressure point them on their budget and how they're getting their money, where is their money going? What are they doing? That's another place where the people in a community can demand more accountability in terms of the budgeting process, and asking other county representatives to demand that the sheriff account for what he's doing with his time and money.

TFSR: You mentioned earlier, the argument made by constitutional sheriffs around the autonomy of sheriffs to choose to enact or not enact certain laws at the federal level based on the justice of these. I know that the immigrants rights movement has, locally here and in other places around the country, applied pressure since the transition

en a lot of leeway in the imaginary around being sort of 'Punisher' vigilante figure who could just deputize at will to get the thing done. They oftentimes are meeting out what would be called, or what they called, or what is called 'frontier justice.' I think it's important to point to imaginaries that are being drawn upon for actual political movements, because it says a lot about the intentions and the desires of those movements. So, I wonder if you could talk a little bit with the framing that you just gave, of what the concept of a 'Constitutional Sheriff' is, what the theory and the precedent that the proponents propose might be?

JP: Honestly, I think your point about the imaginary is really, really important here. Most people, when they think of sheriffs, honestly are more likely to think of fictional sheriffs. Except for maybe Joe Arpaio, you are gonna think of John Wayne, they think of Bill Daggett, TV sheriffs and I think that imagination is a large part of what makes the job and it creates this cross-pollination. At the same time, we have an immense change in how law enforcement functions in society. No question that between 1850 and 2020, there's a huge change in what police do everywhere overall. Then you also import this imaginary figure.

So one of the things I'll say about Richard Mack in the CSPOA is: I went to a rally of his at some point around 2021, he was doing a series of roadshow rallies, which again, these in person meetings are really important to him. He had a bus and on the side of the bus (he used the same image in front of the podium), there was an image of a Native American in sort of full traditional Native American dress and then an image of Mount Rushmore and then an image of a sheriff with a hat, a shadow of the hat and the guy on the horse, etc. I just thought to myself, 'This is a really interesting imaginary history of the noble Native American, the President and the imaginary Sheriff.' This is a wholly imaginary set of circumstances that is not at all representative of any facts.

Richard Mack, very specifically, is really invested in that imagination. Some of that comes from his roots in other movements. One of his most important influences actually comes from his background in the Church of Latter Day Saints, and a strain of Mormonism that's really invested in the history of the US and the Constitution and sees the Constitution as very holy and spiritual, and also at the same time kind of lionizes some of these figures. So the sheriff sort of gets lionized along with it. Richard Mack borrowed heavily from a lot of other ideas, which we can get into, but in essence, what he did was built upon them and built upon modern anxieties

and fears to create an idea of the sheriff.

In his mind, the sheriff is the ultimate Peacekeeper. He is the man with a white hat on the horse, who is meting out vigilante justice, but he's doing it fairly. This is a popular fictional trope. But there was a very terrible TV show called *The Sheriff*. It was about this guy who became the Sheriff of LA and played by his own rules. The bad guys got what bad guys should get, the good guys got what good guys should get. He knew what the good guys and bad guys looked like, because he was a sheriff and knew these things. Richard Mack kind of pumps up this version of the sheriff as like, 'You are enabled with this capacity to determine for yourselves what Justice looks like,' and the way he channels that is into saying that what sheriff's are doing is 'enforcing the constitution.'

A lot of media, and I've heard headlines that said this too, say something like: he says sheriffs don't have to enforce the laws, which is true but it's a little bit of a shorthand of what he's actually saying. What he's actually saying is something like, 'The sheriff is a sort of unique figure who is interpreting the original Constitution,' and therefore is doing something that I actually think a lot of people agree with, which is probably why this idea takes off, which is something like, 'You know what's good and bad.' Little Timmy from down the street with the illegal shotgun doesn't need to go to jail. But outside protesters definitely do. So they're sort of doing this in this imaginary small town way. The good guys and the bad guys become reflections of, honestly, what the Republican party thinks are good guys and bad guys, to be perfectly honest. Although Mack will say they're nonpartisan.

Richard Mack is very clear that it is not a Republican or Democrat group. I will point out that there are no Democrats, they are all Republicans. So I think that says something about both the movement and the Republican Party.

TFSR: He talks about their righteousness, right? Because what he's talking about here, it's interesting that he's a part of this conservative strain of LDS, because my understanding, not having ever been a Mormon, is that they're very focused on patriarchs and the reproduction of patriarchates in the church and then in the family household. That is being reproduced in this model of the Sheriff as being the arbiter of law. It's also this very interesting Protestant "you know what's right and wrong, you don't need an arbiter or judge. [Big government]'s like the Catholic Church. We have God's law handed to us in the form of the Constitution. We get to interpret this thing."

All that language aside, the sheriff as the 'interpreter,' as op-

sorts of stuff that honestly, you're not supposed to let people do.

A few sheriffs have occasionally said if assault weapons get banned by the state, that they'll "deputize every man in their county to carry an assault weapon." I don't know if you could actually? It depends on how small your county is, I guess. So sometimes they use that kind of rhetoric "I'll deputize these people and then they can carry their assault rifles," which is probably not technically true, but then I guess anyone can just be a part of the posse.

TFSR: Yeah, probably not much of a paper trail in that.

JP: Yeah. Honestly depends on the place. I see a lot of crossover between formal and informal. We've talked a little bit about the way law enforcement operates in this country. Law enforcement in this country is fragmented and not held to particularly high standards. Sometimes things are just not accounted for, because no one's ever asked them to do it. There is no law enforcement agency I know that will track anything unless someone comes in and is like, "You have to do that." Some of this the general "I do what I want" attitude. Then when it comes to sheriff's, it's double that. Especially a sheriff of a more rural county. Now there are places where sheriff's will keep the roles of their posses. You are supposed to screen the posse for various things, but anti government attitudes is not one of them.

TFSR: In terms of the kind of accountability that sheriffs can be expected to, you have noted the amount of impunity that law enforcement often has, and specifically when talking police, you're talking about the hierarchy in that department and maybe the oversight that they have from a mayor or city manager, or some other civil institution, city manager being an unelected position in Asheville, at least that is assigned by the city council for terms.

But in the case of sheriff's, where the sheriff is pretty well known to be doing some pretty dastardly things, what sort of accountability is there besides just not voting them in and voting someone else in instead?

JP: That's one of the huge issues about sheriffs, regardless of their far right or constitutional Sheriff thing, is the fact that sheriff's are kind of hard to oversee. First to properly point out that most law enforcement officers in the United States, oversight is pretty bad. They get more allow allotments than they get oversight.

from jail in prison. They are advocating for white men to have guns. It's another one where they say, "Oh, it's about individual right to guns," but let's be clear, "individuals" mean something pretty specific.

TFSR: They definitely mean Kyle Rittenhouse.

JP: Yes. They mean Kyle Rittenhouse. They do not mean the 10s of 1000s of teenagers who ended up in jail because they have, or people think they have handguns

TFSR: So, Oathkeepers, I don't know if we've said, but was an organization or has been an organization claiming to be made up of either current or former law enforcement or military who are putting themselves in a position to uphold the Constitution. That's the Oath they're protecting. Not to get too much off on a tangent, but in North Carolina, there's a law about "coming armed to the terror of the public," which was used as an anti-Klan law. Much like a lot of the South has like anti mask laws for going to demonstration with masks on that can apply to all sorts of people, but in some ways a reason that the Klan shifted to military fatigues at a certain point.

I know, in 2020 here, there was a demonstration after a street got repainted with some BLM content and people reacting to that were coming down to try to paint over it, and people were going to defend it. Then people from the right showed up with open carry assault rifles and that's what they were charged with, this "coming to arm to the terror of the public." I wonder in that sort of instance, if there's no official deputization that happens in one of these states where that laws on the books, how that plays out?

JP: They have threatened it. A lot of sheriffs have something that they call a volunteer policy. Here I'll confess, I don't know in Cherokee County. But they are empowered to create something a volunteer posse. Most volunteer posses, to be honest, are retired law enforcement officers who do crowd control at parades. A lot of them are pretty harmless. Sometimes people create very large posses. So, a few constitutional style sheriffs are fond of creating one to 200 member posses that they say they'll deploy to quell riots or something.

If you think all the way back to Joe Arpaio of Arizona, one of the more famous constitutional sheriffs, he had a such a massive posse, and he sent them to do all sorts of stuff, like prostitution stings, and traffic stops. All

posed to the 'executor' of the law seems to be a place that the Constitutional Sheriff idea is stepping outside of the bounds of what is the recognized legal approach towards being a sheriff? Isn't that the job of courts?

JP: I mean, we're kind of in a time in which I'm not clear what's law. Sometimes I don't know what's what. To be fair, everything is shifting very fast at the moment. A lot of people might have questions about what courts are saying as well. But the gist is everything they're saying has no basis in law whatsoever. It's it's literally just vibes. Some sheriffs are in their state constitutions, but so is every other elected office. So North Carolina State Constitution has, "you will elect all these offices, and here's some of their jobs. Sheriff's jobs are keeping the peace and preventing of frays" and all these sorts of things. I don't put that much stock in what they actually mean, because a) most of them were written in the aftermath of the Civil War and they all kind of borrow the same language. Like they all say the same thing and that's just how they wrote it. And b) it doesn't give them any unique power. Every official who is elected has to take an oath and they're in the State.

Every sheriff is also regulated by laws. In every State there are tons and tons of laws that talk about what sheriffs and their deputies are supposed to be doing. It's laws all over the place. So the kind of idea that like, it's a job that's like special is just doesn't hold any water. They're subject to all the same regulations and rules and laws as everybody else.

TFSR: I get an impression that people are drawn to groups like the constitutional sheriffs and their frameworks out of a desire for a devolution of what they see as a complex and large federal government structure that has moved away from actual constitutional values, again... 'vibes,' to something more wieldy a little bit more libertarian in the US sense, but which actually reproduces this model of sovereignty or autocrat. Is it uncharitable to hear their concerns about federal overreach and bloat as a dog whistle about anti-discrimination, voting rights, and anti segregation laws imposed by the Federal and State governments?

JP: Oh, no, it is exactly what they're saying. They're saying the same thing that James Calhoun said before the Civil War. Actually a lot of their doctrine is exactly the same as what secessionists like James Calhoun said. This can sort of get to their specific doctrines, but it is anti federal to the core. It is

specifically anti 14th Amendment, which is the one that most courts use to argue in favor of things non discrimination, racial equity, etc. It is absolutely in opposition to those things. Their two main doctrines are called interposition and nullification.

Nullification is rather specifically what secessionist is and then later ex-Confederates use to argue why they do not need to desegregate or enact any of the other federal measures that the government told them they had to do after the Civil War. So for example, voting rights or desegregating your schools, or desegregating places of business. Nullification is the general idea that if you are a local government or a State, sometimes a State government, sometimes a local government, and you don't like the law, you just say, "Well I'm not going to enforce that law." After the Brown versus Board Supreme Court decision, which was requiring every State to desegregate their schools. The state of Virginia specifically wrote a whole document saying, "We want to nullify this law." That meant that they didn't want to desegregate their schools. This was a really common tactic. Didn't Lee Atwater make a comment, "You talk about states rights, instead of being overtly racist." It's basically what that is.

Interposition, another one of Mack's key points, is that a sheriff can position himself between his "people," and I put people in quotes because I think there's a question about what people he means, his people and the federal government. So the idea would be if the ATF was coming to seize someone's weapons, the sheriff can protect his citizen against the evil ATF, or the evil IRS, there's a lot of anti-ATF stuff, or the evil FBI. In one case, the Secret Service was coming to talk to someone who had made threats against Joe Biden and Nancy Pelosi. So the sheriff was like, "No, you can't interview my citizen, Secret Service, without asking me first." This is what they call interposition, the sheriff supposed to protect the people from the federal government.

TFSR: So the federal government in that view is viewed as being an interlocutor, as opposed to the sovereign that hands out the ability to engage law enforcement. Isn't there like a "Supremacy Clause" or something like that?

JP: Yes, there IS a supremacy clause! No, it's nonsense. The Supreme Court specifically said nullification is not a valid legal doctrine. These are not valid legal doctrines. Pretty much all entities agree these are not. But Richard Mack, again, keeps bringing it up and it does resonate with people.

To your point about libertarians, Mack, and many of his followers

news to create a boogeyman.

But they do inspire a lot of, which I think is a great threat, is this vigilante style violence. One of the things that sheriffs bridge is this idea of "official law enforcement" and "unofficial law enforcement." So I think of a lot of these incidents in which folks have just gone to the streets with their guns, especially far right groups have gone to the street saying, "We're going to protect our nice citizens and help the sheriff." That gets into the idea of the sheriff's ability to raise a posse. This is one of Mack's other favorite things. This is true under most state laws, sheriffs have the technical ability to raise a posse.

Raising a posse is basically like you gather up, like the olden days, you gather up the men of the town, and say, "We're gonna go get the bad guys." It's basically a militia. There's a quote of Mack saying, "I use the word posse not militia because people don't like militias." So there is a lot of evidence that sheriffs are partnering with Militia type groups, because they have a lot of sympathy with them.

It's kind of interesting, because the militias will often go to the sheriff to ask for permission. There was just these emails between the Secret Service and Stewart Rhodes where they did the same thing. So the militia will go to the sheriff and say, "Hey, we want to have this protest and we heard there's going to be this protest and we want to bring our guys so we could protect the good people of the town from outsiders." And the sheriff might say, "Well, I don't know if I'm really into this. But also, I don't know if I could stop you and you vote for me. So sure, why not?" Sometimes the sheriff's are kind of lukewarm, but they'll be like, "Fine. I need your votes, so go forth."

There's one study that shows that basically sheriff to take a pleasant view of militias, of white militias, and then have negative views of protesters of color. They think white militias are like, "They're not doing any harm. They're just walking around. What? Are they that bad? Are the Oathkeepers so bad? They seem fine." Is it just bias? Or is it affinity? I'm not sure. That's one of the things we're gonna start to see is them almost encouraging this kind of violence. Because constitutional sheriffs are so heavily invested in the idea of like, a second amendment right for everybody.

Everybody has the right to bear arms. I always add the caveat on that, because my comment is, sheriffs are very into a second amendment individual right to bear arms, however, I do not see them advocating anywhere for, for example, all the people on Rikers Island in New York, or the people in the jail at Chicago to be released, who were there on handgun possession. They are not advocating for men of color who have handguns to be released

they want. Then you have this individual who's telling them, "You know what? God is with you and you should do whatever you want." That is a terrible confluence of things. You already have law enforcement officers that act with impunity, and then you're telling them, "You have more impunity than you thought you did."

Mack's vision is like a holy vision. There's no law or Supreme Court ruling that can dissuade someone if they think they're on the side of the good.

I think genuinely everybody is involved in this idea of advancing police and giving them money. Joe Biden gave police lots of money. There is no rule that says a constitutional Sheriff can't get money. They just they get whatever they want. I'm just suggesting, maybe if someone says they don't like the federal government, they shouldn't be allowed to get federal goodies, but that's just me. That's an easy one that I think you could do. If you have a sheriff who says he doesn't think the law applies to everybody, I don't see why he should get more money in equipment. But, that's on both political parties, to be fair.

TFSR: Yeah. You mentioned the money, the guns that law enforcement can take advantage of that comes from a federal level, but then there's also access to intelligence, para governmental intelligence sources like fusion centers, or shared dual roles with FBI, ICE, ATF, these federal agencies. How do they play with those sorts of things? Have you heard of any examples where they've been able to weaponize information that they've accumulated from one of these fusion centers?

JP: So, I have not heard of that. That doesn't mean it hasn't happened. Here I will confess that I am not the biggest expert at fusion centers. I do think two things. I think one, that probably comes into context when you are targeting protesters. One of the great other sort of factors that helped Richard Mack's ideas kind of bleed into the mainstream, were the George Floyd protests.

I think a lot of people probably know that a lot of Black Lives Matters protesters were being surveilled. I don't have a lot of reason to think that people don't have access to that information. We do have examples of various constitutional aligned sheriffs who, of course, made a lot of threats about Black Lives Matter. I went to some rally, they had their militia and they were like, "Let's see if some Black Lives Matters protesters come!" It was rural Nevada, there were no Black Lives Matters protesters in hundreds of miles so it is almost like a boogeyman. They are very fond of using the

were avid supporters of Ron Paul, actually, as was Stewart Rhodes. That's how they met, volunteering for Ron Paul's campaign. So like it does have its roots in that almost extreme libertarianism. I think today, that extreme libertarianism, is now indistinguishable... there's so much new Right and other like, neo-Nazi, neo-confederate groups. It gets hard to distinguish. But that is exactly where it came from.

TFSR: Yeah, that makes a lot of sense. Naming off some of these groups, in some of your writing you make the point (and I could definitely see it after you did) that there's an obvious overlap between the kind of legalistic arguments as well as the the framing of groups like Mack's CSPOA, with the Posse Comitatus and sovereign citizen movements that have been running since at least (I think) the 1960s whether or not as organizations but at least as ideologies.

Could you talk a little bit about those groups? You've already mentioned Nullification and the ideas around the Confederate roots or neo-Confederate roots of some of that, but how that plays into current neo-Confederate groups? If that's a big question, I can sort of cut that up a little bit. Sorry.

JP: I was just trying to think of how to do it. It is true that a lot of these movements... It's funny, because some feel sort of retro but then they sort of shift. The political situation that Mack is operating in after 2020 is different, and it's one of the reasons why I think he experienced like this surge in popularity. It also makes him feel a lot more palatable. Because you could listen to lots of people on the far right today and in many of the things Richard Mack says, if you sound clip him enough, sound much more reasonable, right?

Richard Mack is influence deeply by this extremely conservative strain of Mormonism. I think it's important to keep in mind that a great deal of where it came from, and Mack is Mormon. There was a group called Posse Comitatus. There's a fantastic book called *The Terrorist Next Door*, that's all about the formation of Posse Comitatus and William Potter Gale, who was the founder, I recommend it highly if you're interested in the early roots of what became the anti government movement, but in essence, William Potter Gale in the '50s, he was super racist, like, unquestionable neo-Nazis super racist, not even neo-Nazi but silver shirt Nazi guy.

TFSR: Yeah, he was actually in the fascist Silver Shirts. Since we're both in Asheville, also, I feel a little resonance of the crystals underneath us by mentioning them.

JP: That's what I was thinking too! Those are the real pro-fascist Silver Shirt guys. William Potter Gale was definitely kind of an eccentric. He bounced around between wanting to be a minister and wanting to be a politician. He ended up forming his own religion that became what's called the Christian Identity Movement, this might resonate with some people because this is getting into the revival of the neo-Klan, Idaho, all these really racist organizations.

William Potter Gale was really mad about Brown v Board of Education, really did not think that places should have to desegregate. He had a newsletter that he called Identity (after Christian Identity) and his religion was basically a racist religion in which white people were supreme, and everybody else was terrible. One of his ideas was that the sheriff should be the most important local leader.

One of the things that William Potter Gale was also kind of swimming in this water was this idea of localism, which sometimes comes up, which meant that in the 50s, and 60s, some people in America got really agitated as city started to grow and a lot of people living in more rural regions began to identify urban living as the rod of evil, and some people still do. 'Urban living. It's all these people. It's all these immigrants. It's multicultural. All this stuff going on. All these protests start happening all over the place.' So people who didn't identify with urban areas, who lived in more rural areas, got this idea that like, 'We should be able to govern ourselves. Why do we have to do what these city people and their city ways.' A recent email from a sheriff made a comment about that: City people and their city ways. 'Why do we have to do that? We want to do what we feel like doing.'

So, the sheriff kind of became this like locus of fantastical hope. I think a lot of it does have to do with a sort of very image and vision of it, as you rightly point out, which is imaginary. Like we picture sheriffs with a hat on a horse like a cowboy. But that's not what cowboys were like, they were vaqueros. So it's really resonant of this idea of bringing back something that kind of never existed in the first place. So the idea was that in a local context, the sheriff could be the one to decide what laws people should and shouldn't follow. But it really had these very strong roots.

Around this time here was also a farm crisis going on, there was a lot of turmoil in rural America. A lot of people who lived in in rural places did have genuine upset and there was also a leftist movement of farmers who tried to like get better benefits and better treatment of agricultural groups. There was a leftist side of that, but the this Posse Comitatus side became the right wing side. "We don't want to do what they have to say."

You mentioned righteousness. James Otto, who's this really good

TFSR: So the CSPOA's education framework allows for the dissemination of these ideas, and then also supporting of individual rogue sheriff's (that you do some work to document on your blog) because there's a overlap around this sort of thing between the pushing of this ideology among law enforcement officials, we've talked about stuff during the militia or Patriot movement of the 1990s or 80s, shootouts, tax resisters and the federal government... Is there any sort of concern or any studies that you've seen around sheriffs with this sort of ideology using 1033 programs or other federal programs to be able to get access to funding or decommissioned military weapons?

When I think about the Malheur Ranch Standoff or other libertarian standoffs with larger government entities, it seems like the arguments that were being made by the Libertarians that were engaging in the in the standoffs there fall in line with what's being pushed by CSPOA, right?

JP: Yeah, absolutely. The Bundys were...

TFSR: Bundies, Thank you.

JP: Richard Mack, I don't remember if he was at Malheur... He was more closely involved in of the original stand off that was in Nevada. Richard Mack is also a friend of Cliven Bundy. He's on their team. They are also LDS, non-coincidentally. He absolutely would agree with him.

In terms of the military equipment, Richard Mack is actually not a military equipment guy. He's not telling sheriffs to go get a bunch of tanks, and do tank stuff. Richard Mack will say that he is anti violence. To some extent, he supports an individual right to bear guns, and is kind of a gun nut, he doesn't really encourage law enforcement officers to militarize. That said, the current way police operate now and the 1033 program really makes it very beneficial and easy for sheriff's offices and police officers to get that equipment that they can use however they want. So it is certainly true that a lot of sheriffs affiliated with constitutional Sheriff movements or other far right movements, we'll certainly get their equipment, and then use their equipment, to drive their tank, and use it to scare people, protesters or something.

This is what I think is the particularly dangerous confluence, is that we are in a time in which police, law enforcement, and sheriffs get an extremely large amount of money. They have a lot of money and a lot of power and a lot of weaponry. Any weaponry they want, that they can use however

was one of the sheriff plaintiffs in a case that became known as ‘The Prince Case,’ which was decided in 1995. It was written by Antonin Scalia and it was a case that basically started the idea that there’s an individual’s Second Amendment right to bear arms. One of those cases, that’s in the scheme of Supreme Court cases that got us to where we are today.

So Mack talks quite a lot about his case, he has it in a little pamphlet. You can get the pamphlet and read The Prince Case, which does not say what he says it says, but it is a real case. To this day, Scalia is the only Supreme Court judge that Richard Mack will say anything nice about. That particular case was also against the Clintons for the Brady Bill. So he will also talk a lot about how much he can’t stand the Clintons. This is also feels very retro, far right, still beating on the Clinton’s.

TF SR: He’s gonna start talking about Whitewater or whatever after that, right?

JP: He absolutely does. He will talk about the ‘Clinton Crime Family.’ I don’t even know if some of these people know, I think a lot of the younger far right is not aware of the context of all this. It’s just part of where he’s coming from.

It’s kind of interesting, because it leads into some weird libertarian places. For example, he doesn’t support civil asset forfeiture. He will say that we shouldn’t seize weapons or money from people if they haven’t been convicted. Now, what’s interesting about it is when he talks about that he uses only federal examples. So he’ll bring up examples of the ATF seizing weapons, which they do, or the DEA seizing money, the IRS will seize money too. He’ll bring up examples in which federal agencies have seized things from people, but he sort of forgets the fact that county sheriff’s also do this.

A regular practice of almost every sheriff’s office is to seize cars and money and houses and whatever. So, he kind of only brings up the federal examples and then backs off. Or like freedom of religion, he’ll talk about the closure of churches during COVID and how the evil state governments did it, but he doesn’t bring up not allowing Christian prayer in schools because then you could also say, “Well, that’s also free exercise. You have to let all religions participate. You can’t just have like a dominant religion.” No, none of that.

It does have this sometimes interesting libertarian style twist that gets you to these places. But it’s important to point out that his examples are always the federal government overstepping the Constitution, not the local sheriff’s doing.

sociologist calls it the ‘politics of righteousness.’ “I don’t want to do that.” From those roots came some thing like sovereign citizens, the anti tax movements of tax resistors was really big in the ‘70s and ‘80s. Just folks who wouldn’t pay their federal taxes.

To be fair, these movements were also really violent. Posse Comitatus sent some people, they were everywhere in the US not just in what we might think of as the South or the Conservative US. So for example, some agricultural workers were organizing in California, this was also at the same time as Cesar Chavez and organizing workers, and a group of Posse Comitatus adherents came to stop the workers from organizing. Then the real police came and were like, ‘We don’t want these Posse Comitatus guys here.’ And they ended up in some kind of shoot out. There was shoot outs, there were people hiding and sheds, people didn’t want to pay their taxes, people trying to stop union organizing, like this was a real violent movement particularly in the ‘80s.

We got to the ‘90s, we had some events like the siege of Ruby Ridge, the Waco Siege, which I can talk more about (if people may not be as familiar) culminating in the bombing of Oklahoma City, which was where that movement headed. So it’s all kind of of the same root.

What happened was Richard Mack kind of revived it and like a slightly more palatable way. Again, I would add that this is the same time that Stewart Rhodes was getting politically active in many other groups. So in a connection of this tea party, libertarian context, just after President Barack Obama was elected. So not coincidentally, when the first Black president was elected, all these groups spontaneously decided it was important to start organizing.

TF SR: Yeah, and as you mentioned, with the cases of Ruby Ridge and the shoot out there, there was a lot of questions of sovereignty and the role of the federal government and also connections to Identitarianism, or Christian identity that the Weavers had, as well as with Waco, at least, there was a millenarian drive that was looking at the government as being the Great Satan. They were modifying guns and selling them at gun shows and what have you, so bumping up against the ATF and stuff like that. So the same stew of white nationalists, white separatist, as well as millenarian, anti government, Christian, adjacent movements, right, all sorts of stewing together.

JP: That’s exactly right. Richard Mack wasn’t at Ruby Ridge, but he was friends with Randy Weaver. So, Randy Weaver was a white separatist who

lives with his family in Idaho. The FBI and federal marshals did an incredibly botched and really awful raid, because of the ATF. He was in trouble with the ATF for some sawed-off shotguns. The FBI killed his son and his wife. It was really awful, it was awfully messed up. Mack was a big supporter of Randy Weaver, so he cowrote a book with Randy Weaver.

Richard Mack at some point, moved to Texas in the late '90s, early '00s, and he thought he might run for office in Texas, but he lost by a landslide. But in any event, he talked to a reporter around that time and tried to persuade the reporter that Randy Weaver was not racist. While the Ruby Ridge standoff was horrible and there's not a lot of question that the federal government royally screwed up, Randy Weaver is definitely a white supremacist. So, Randy Weaver is on the phone saying white supremacist stuff, and Richard Mack is talking to a reporter saying, "No, no, he doesn't mean it. He's really not that racist. He just wants to live with who he wants to live with. He has the right to run his family as he will." That's kind of where that is. That's sort of where you end up. Richard Mack has also said things like he doesn't believe in accessibility, like the ADA. He's like, "Well, I don't see why places have to be accessible, because if you don't want disabled people, then you have the right not to have disabled people." Just to generally explain how you get from being white supremacist to also being sort of, you know...

TFSR: "Well, this is putting an undue burden on the small business owner for them to have wide enough sidewalks or like doorways" or whatever, right? That's kind of how it gets counterfeited through libertarian0speak.

JP: Honestly, it's just very funny. Not funny, like hilarious, but it's amusing, because at one point, I asked Richard Mack... His position on access to abortion was never very clear. He doesn't talk about that much. So I asked him, I said, 'Well, if there's localism can local counties decide whether or not they want women to have access to abortion?' He was like, "No, no, no, no, no, that is not how this works. That is against the Bible, and that is not okay."

I think sometimes there's an urge to do a 'both sides,' so they'll be like, "Oh, well, Richard Mack doesn't like handicap accessible sidewalks, but some Sheriff say they don't want to enforce ICE detainees." It's absolutely not the same thing. Richard Mack's ideas are anti-LGBTQ, anti-woman, anti-disabled, it's a really white heteronormative, male idea and way of looking at the world.

Now, not coincidentally, sheriffs are the whitest and male-est elected

it 'an old fashioned revival,' which is kind of what it reminds me of. I don't know if you guys have it here, but in Texas they have these things called 'cowboy churches,' which are like the man version of church where you go in your hat and you sit outside and listen to a preacher. It's supposed to be more masculine. They kind of remind me of these cowboy churches, because the sheriffs sit in their hats and listen to Richard Mack talk about the Constitution.

TFSR: It sounds really gentlemanly. They might have that here, maybe in like Murphy?

JP: [Laughs] The cowboy church thing! I was like, "What's up with these cowboy churches? Oh my God, is this what these guys all do? That's so Texas!"

So we do know that most of these trainings are open to the public and any law enforcement officer and he will welcome anybody. Now I talked about Texas more specifically, because I got their roles of who attended so I could more closely look at who was actually there. The folks who were there ranged from some county commissioners, some Sheriff deputies, constables (which I'm not sure if you have here, but it's another another law enforcement agency). So you might get a variety of law enforcement types. You also do get quite a number of just civilian folks In general, at all these trainings, Mack starts with a sort of sermon, and then he kind of divides the law enforcement officers from the non-law enforcement officers and then they get separate programs.

The law enforcement officer program, I have heard it, so I know what he says. He basically goes through the first 10 amendments to the constitution, so the Bill of Rights. In a lot of these traditionalist constitutional varieties of thought, the first 10 amendments are considered part of the 'original constitution.' So a lot of times when they say constitution, it's worth remembering that they only think of the original Constitution, not all the other amendments that came after. He'll go through his version of the first, the second, the third before you go through all these rights and talk about how he thinks law enforcement officers should behave.

It's interesting, because it's like this philosophical training, which is why I often liken it to a religious-type training. He's sort of giving them ideas, but I want to be clear: there's no discussion of cases of laws, no discussion of any Supreme Court case, except Mack's case, which he will talk about all the time.

Which is probably worth just putting a flag in that Richard Mack

kind of put into another container that people feel primed to accept.

TF SR: All right, so the CSPOA is framed, as you said before, as this training and educational opportunity for law enforcement. This is advertised for sheriff's by sheriff's and but are there other non-law enforcement participants? Do local police participate in this? Can you talk a little bit about where cops or deputies or whatever have been able to get federal funding for attending these classes and registering it as continuing education, that sort of stuff?

JP: Yeah, so as I said, his main recruitment pitch are these training classes. It's a little interesting as a concept, because one) what I realized when I looked into it, so about six states have made it available for continuing education credits. I in particular, was looking at Texas, which had made it available for continuing education credits, and then stopped because people were investigating.

One of the things that's interesting about continuing training for police officers, or all law enforcement officers, is that it's not very well regulated in most states. This is probably not a surprise. In many places they let local sheriff's or police departments decide what sort of trainings they want to host. Then you fill out a form and you get credit. So just to be clear, when they say they're getting credit, it's not because a state official conscientiously reviewed the information and was like, 'I give it a stamp.' It's because of the way in which they do all trainings is this like, 'Whatever you guys think is good is good.' So if a sheriff's office sponsors a training, and there's a certificate you fill out and they're like, 'Yes, you're gonna get credit for it.' Now, Texas withdrew the certification of the training, because they sent investigators to talk to people and actually read the syllabus, which is laughable because Mack has this syllabus, that's like one page long and it's like, "Liberty! I teach officers about the Constitution and liberty."

So the reason why Texas rejected the training, and the reason why it shouldn't be training is because it's not training. I don't want to defend law enforcement training, because a lot of training is probably not good. But, there's all sorts of training, there's that guy who goes around and teaches the "bulletproof cop" training and the "wolves and sheep" training, there's all sorts of militaristic type trainings that I would probably rather not have as well. But the way in which Mack's training differentiates is that he's actually not teaching any skills or any laws. He really just preaches his vision of the Constitution and his vision of what Sheriff should be.

Truly, it's more like a church service. One of the Texas sheriffs called

position. Some 94% of sheriffs are white men in the United States, very small number, a very small number of women and non-white sheriffs, super small. I haven't ever seen data on sheriffs and their religion, but I'm fairly certain that the vast majority are also Christian. I don't know how that matches up to other local politicians, to be fair, but just worth pointing out that police chiefs (not scions of liberalism). Like I'm not saying police chiefs are a great progressive success, but police chiefs are a lot more diverse than elected sheriffs.

TF SR: Yeah, police chiefs are appointed. That just goes back to the argument that the people really want the strong white cis Christian dude to protect them. [sarcasm]

JP: I mean, it's interesting, too, because, the county is a weird unit of government. I grew up in cities, I didn't think that much about the county. So sometimes I get a lot of questions from people about sheriffs and county government. There's over 3000, it's like 3060 counties in the US. There's a lot of counties. Now, what's interesting about that is if you are familiar with rural and urban America, 20% of the population lives on 80% of the land. It's like an 80/20 split. So you have this situation in which 80% of the American population lives in urban areas and cities, but 80% of the sheriffs represent rural areas. So if you look at it, that way, you can understand how the rise of the sheriff is like the the Electoral College, an over representation problem of white heteronormative masculinity as in they don't represent a lot of people, they represent a lot of land.

TF SR: They have their own Supremacy Clause sort of thing, or there's jurisdiction, most cities are incorporated into counties, and so evictions occur through sheriff's department's interagency and connection to federal or state level law enforcement often comes through sheriff's departments, and they're the ones that tend to run the jails except for outside of very large cities, right?

JP: That's exactly right. So there was a shifting away from the constitutional Sheriff movement for a little bit. It's interesting, because Mack talks very little about all these other functions of sheriffs, but I do like to point them out because for every sheriff who claims to be a far right constitutional style sheriff, there's a very real jail with very real people in it subjected to this person's whim. 85% of sheriffs run a jail. There's a handful of places where they don't. West Virginia I think elects jailers that are separate from sheriff's. They

run the jail, they have discretion over everything, including how people eat, what kind of medical care they get, do they get blankets, all this stuff. They really are often taking care of people in incredibly dire situations.

They do most evictions in most places. The eviction is an interesting question. It's actually hard to get data on evictions and who's doing them. I tried and it's very scattershot. There's not very good data on it.

TFSR: That's just where I'd experienced or where I lived, is what I was working off in assumption from.

JP: It's correct in most places. It can vary even within the same State. You could have a state like North Carolina and it could be different from city to city, not even county to county. It's kind of wild.

They also tend to do a lot of other administrative things. So a lot of them handle handgun permitting. That's like one big job of most sheriff's offices. Some of them do really random stuff, like they might be in charge of animals, either wildlife or Animal Control. Immigration is another big area where they have a lot of discretion. It still is a weird hybrid role of administrative stuff. Running a jail is largely administrative.

I have advocated for a long time that you should not have law enforcement officers running jails, which basically hold a lot of people with extreme medical needs. That's not a job for someone who's calling is to be a tough guy.

TFSR: And frequently before any sort of court case or conviction of a crime in the first place, too.

JP: Yeah, I mean, it's everybody's. Anyone and everyone, they could be there for a long time, short time. Actually, to flag on the jail part. The other reason why that 'sheriff's run jails' is important is because in the post reconstruction era many States brought back convict leasing. Convict leasing was done on a statewide scale, famously places like Mississippi and Alabama.

State governments and the federal government began to crack down on statewide convict leasing but individual sheriff's did convict leasing for a very long time and still do. They do a version of it still in many places. They can lease people in their jail to 'for profit' companies. Sheriff's are really integral to this in the places where this existed because they could essentially disappear people off the street and then lease their labor, that they would profit from. The sheriff's office has always traditionally has this like for profit layer, so they would rent them out. They were not responsible for their welfare,

Sheriff Mark Lamb, who's now running for Senate has kind of created his own constitutional Sheriff style group. He gave a big speech at the rally that was in Phoenix, and defended January 6. A lot of them later defended it as like, 'We don't know what happened and who's to be sure?'

Both Richard Mack and Sheriff Mark Lamb adopted partnerships with the group called 'True the Vote' which was involved in the Dinesh D'Souza movie and has basically spread conspiracy theories regarding the election. Richard Mack has toured specifically on what he calls "political election integrity," he believes the 2020 election was probably 'stolen,' he thinks that Democrats will probably do it again in 2024, he thinks Sheriff should be entitled to investigate voter fraud no matter what the law or other officials say. He's inspired these rogue sheriff's to run around and investigate non-existent voter voter fraud in their counties. And also inspired a lot of sheriff's to do a lot of threats, crackdowns, armed vigilantes manning boxes... His real harm, in that capacity, has been like to inspire these quasi rogue terror missions that are bound to simply make it harder for people, especially people of color to vote. So, he's kind of prepping for that.

The other thing Richard Mack has been prepping for lately is encouraging sheriffs to prosecute health officials who give out COVID vaccines, as like a form of manslaughter. So, that might be something to look forward to. He has also talked quite a lot about the concern that Democrats are encouraging immigration. This has been one of the issues that he's talked quite a lot about in the past few years, the perceived increase in immigration, and that the Democrats are encouraging immigration in order to increase their voter rolls so that they can win in 2024. He spawns these varieties of conspiracy theories around all sorts of election integrity type stuff.

TFSR: Because that's how that works. People come into the country and they could just vote automatically. That's a really clear understanding of how the legal system operates. [sarcasm]

JP: [Laughs] Honestly, though! I just wrote a short piece about this, but honestly it's 'white replacement theory.' He's really just regurgitating the same old racist arguments. Unfortunately, we had Trump, COVID, and then the election sort of gave them these convenient slots that motivated a lot of people. A lot of people got really motivated about COVID and vaccines and government orders. So it really gave him this opportunity to revive and put his ideas back out there to a receptive audience who had this contemporary container to put it in. COVID vaccines could be seen as federal overreach and the same with voter integrity, right? Honestly, it's just racism that he can

TFSR: What has been learned about the CSPOA or the constitutional Sheriff movement as relates to participation in the January 6, 2021, attempted coup to keep Trump in office and to overturn the 2020 election? If they're making points so far about sheriffs having the right and agency and responsibility to only follow "just laws," and if they're arguments being made about the non constitutionality of the Biden administration or the current electoral system that causes a rift that they can take advantage of... I know that you've written about how this CSPOA also relates to Oathkeepers. You mentioned Stewart Rhodes, who got a conviction out of the cases around January 6, already.

JP: First of all, that Richard Mack has certainly adopted 'election integrity' as one of his causes and many sheriffs have. This was a large part of Mack's revival.

So Richard Mack and Stewart Rhodes met back in the 2010s, again, largely through Ron Paul. When Stewart Rhodes formed the Oathkeepers, he did ask Richard Mack to be a board member. This was around 2014. There was sort of this big hubbub when Stewart Rhodes announced the formation of the Oathkeepers and Richard Mack was there and spoke and they were very close. Richard Mack defends himself by saying he left the Oathkeepers and wasn't that friendly with Stewart Rhodes. From what I can tell this does appear to be true. It does appear that at a certain point before January 6, Richard Mack kind of gently parted ways with Stewart Rhodes.

I want to say so, in addition to his other legal troubles, Stewart Rhodes was in the middle of this really acrimonious divorce and protective order from his ex-wife, who has alleged a variety of abuse from Stewart Rhodes. Richard Mack is basically refused to testify against Rhodes in any of these. He won't say anything bad about Stewart Rhodes and he says that repeatedly.

In terms of January 6, to be clear, Richard Mack wasn't there and I believe him. He claims that he always knew January 6 was a false flag operation. Now, a lot of the people in his circuit and sheriffs who agree with him, were if not there, were tangentially involved. So there was one sheriff who was there January 6, who was an Oklahoma Sheriff named Chris West. Chris West is in a leadership position, and the National Sheriffs Association, just to put a tag on that. The National Sheriffs Association never said anything about the fact that one of their leadership members was present on January 6. It's not clear to what extent other sheriffs were there.

A lot of the sheriffs were there speaking in their home counties. So

there was never really trials or figuring out what happened, there was none of that. People vanished, and no one knew where they were.

I don't want to underplay the fact that sheriffs were integral to the system that was incredibly cruel, incredibly dangerous. About a third of people who are leased out died, just brutal conditions, horrible work. For that reason alone, Sheriffs shouldn't be running jails because the abuses have been so severe. But even today, in Louisiana, people are "leased out" to do things like disaster repair. There was a guy in Texas who used to ask the guys in his jail to help him set up barbecues at his house. He's like, "Hey, can y'all come and help me set up this barbecue?" Like as if they sort of were masters of their own mini work force, as if they could boss people around just because they're the sheriff

TFSR: Then they can give like preferential treatment to the people that are willing to do that sort of work or promise good time off. Here, in the Asheville area, there was a pretty good series of stories in the Mountain Express a few years back documenting convict lease, and the amount of mostly Black men that were killed constructing the railroad through Swannanoa and the tunnels there. When we're saying people, because it's one is a continuation of slavery and because convict leasing was the the pre-Jim Crow application of slavery under the state format, it's good to point out that these were mostly people of color that were suddenly convicted off of new crimes like loitering that were being applied either specifically or just in practice against Black and brown populations, indigenous populations. A continuation of the same stuff that was going on before.

JP: Absolutely. In the South, we are primarily talking about Black men. If you go west, you do get different versions of it. Like in Arizona, you would get more Latino men or Native Americans, it was absolutely just a recapitulation. As the book, *Slavery by Another Name*, I guess the reason why I put such a big point on it is one) we're not that far away from it, and two) it still happens. This still happens and I don't see a lot of folks arguing that it shouldn't. So I just think it's important to point out.

TFSR: The leasing out isn't the only part of it, because you've got prisons, you've got jails, where for good behavior people can go pick up trash by the side of the road, or do administrative functions, or serve in the cafeteria, or do these other things that cut the administrative costs of the county government. So in a lot of ways of Sheriff

can get elected not only on tough on crime, but giving job training to these ‘fallen people’ in our community as well as cutting the operational costs because we’ve got certainly not unionizable positions, doing free labor based on the amount of people that are picked up by deputies during a period of time.

JP: Absolutely right. They work in the office, they do paperwork, they do all sorts of stuff. Also, nevermind, as you rightly point out this loose patronage system is of course ripe for abuse. There was just a series of stories in the New York Times about a Mississippi sheriff who essentially would have sex with women in exchange for letting them go home for the day, or work in an office job instead of sitting there cells. Any system like this is ripe for gross abuses that are often very hard to detect, because people who are being charged with crimes or have been in jail, are not believed.

Also, it’s very hard for people to talk about this. In many places, especially rural places, where sheriffs operate with the most lack of oversight. These are real people who, when they say something the sheriff’s have very powerful defenders that will go after them extremely vigorously. It can be very scary to be chased down by your sheriff.

TFSR: Especially know your name and they’re after you.

JP: They know your address. I mean, it’s scary.

TFSR: But back to the group organizing the gathering and Cherokee, can you talk a bit about the ties between Sam Bushman, the CEO of CSPOA... Unless I’m wrong on that, if it’s not Mack anymore.

JP: I think Sam Bushman has officially become the CEO. This is sort of inside baseball, but there was a bit of a shake up around the end of 2022, in which Mack announced that he was going to take a step back. It’s interesting, because the organization is changing. Richard Mack is getting old. He’s had a few heart attacks. He is just genuinely getting old and his style is old. He’s not social media savvy. He lacks a lot of the flair of the new Right.

So, Sam Bushman has stepped up as the CEO of operations. He is basically, as far as I can tell, essentially a Neo-Confederate. He runs this radio station called Liberty Roundtable, that is, in essence, a white supremacist radio station, where he hosts a lot of guests with those views. He famously went to a neo-confederate gathering. He is quite plainly allied with neo-confederates.

There’s another figure who appears quite a lot too. I don’t know if he’s going to be at this particular event. He appears with Richard Mack quite a lot. His name is Michael Peroutka. Michael Peroutka is a lawyer. In a depressing twist of where we are today. He ran for attorney general in Maryland, like for real, lost, but was the actual GOP candidate for attorney general, which is sort of scary. Michael Peroutka runs an organization in which he essentially argues a version of neo-confederate law. He used to belong to a white supremacist organization. There’s a clip of him online singing Dixie. He is another one. There is not a lot of quibbling to say that they’re very sympathetic to those particular views.

I think it’s important to point out that Mac is pretty aware. He used to also have an individual on his team, who was a real anti-Semite. He knows. I’ve seen correspondence in which someone might complain to Richard Mack about one of these figures. They might say something like, “Someone said this, and I don’t really agree,” and Mack will say like, “Well, he said this, but he meant that.” He’ll defend them a bit like he defended Randy Weaver like, “Well, he’s not very good with words, but he’s not actually racist.”

Richard Mack himself does quite a bit of minimizing, but I also think that as Richard Mack, steps back, we might see a more violently racist version emerge, because it’s not clear to me who’s going to take charge and a lot of the people in his circle are of that ilk.

TFSR: With Bushman and these other folks that are taking the reins of the CSPOA that’s going to be holding this event in Cherokee [County]. I wonder if you could talk a little bit about their explicit sharing of space and organizing that they’ve done alongside of groups like League Of The South. You covered them in an article sharing space with Identity Dixie and some other groups in South Carolina in July of this year, right?

JP: In July of this year, there was an event at Travelers Rest in South Carolina and Sam Bushman said they were ‘celebrating the South.’ So he was there. He actually broadcast his show from there and he participated in this neo-confederate group called Dixie Republic. I think it was an event that was hosted for a bunch of other white nationalist groups. That’s my impression of this event and Travelers Rest. It’s historically, always been a group that’s hosted League of the South, and identity Dixie and these variety of people. He was there, he was certainly involved and he talked about it openly. He said, specifically, that it was not a CSPOA event. But again, he was certainly there and talked about it.